

REMARKS

Favorable reconsideration of this application, in light of the present amendment and in view of the following discussion, is respectfully requested.

In accordance with the foregoing, claims 7, 35, and 37 are amended. Claims 8, 9, 11-13, 20-22, 24-26 and 29-34 are withdrawn and claims 4, 7, 10, 17 and 35-39 are under consideration.

Objection to Claims 4, 7, 10, 17 and 35-39

In the outstanding Office Action, claims 4, 7, 10, 17 and 35-39 were objected to for grammatical errors. These claims are amended in light of the comments noted in the outstanding office action. Accordingly, it is respectfully requested this objection be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 7, 10 and 35-38 were rejected under 35 U.S.C. § 102(e) as unpatentable over U.S. patent number 6,553,494 to Glass. This rejection is respectfully traversed because Glass does not teach all the features of the pending claims.

The present application teaches, *inter alia*, authenticating an individual using anatomical information. Anatomical information and identification information about the individual are collected, and then collated by combining the anatomical and identification information. Further, the anatomical information is collected along with order information regarding the order in which information is collected. As an advantage, security of the authentication process is improved because the inclusion of collection order information prevents fraudulent simulation of identification information.

Independent claim 7 recites "...an identification information generating unit generating identification information which comprises at least order information for specifying a collection order of anatomical information generated in the anatomical information generating unit..." The other pending independent claims include similar features. However, Glass does not teach or suggest at least the feature of order information for specifying a collection order of anatomical information.

In contrast, Glass merely discusses at column 2, lines 31-36 that a hash algorithm may receive as input a token which incorporates a time stamp. As discussed in Glass at column 1, line 60 to column 2, line 19, a hash function only generates a hash value. A hash value generally cannot be used in a reverse-hash function to recreate the data previously used to

generate the hash value.

Accordingly, the time stamp discussed by Glass cannot be used "for specifying order information for specifying a collection order of anatomical information," as in the pending independent claims, because the time stamp discussed by Glass is irretrievably lost by the hash function. Therefore, independent claims 7 and 35 and each of the claims depending therefrom patentably distinguish over Glass.

Rejection under 35 U.S.C. § 103

Claims 4, 17 and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over Glass and PCT publication number WO 99/00720 to Larsson. Claims 4, 17 and 39 depend on claims 7 and 35, which as discussed are believed to be allowable over Glass. Moreover, this rejection is further traversed because Glass in fact teaches away from Larsson, and because a *prima facie* case of obviousness has not been made.

In particular, Glass discusses at column 3, lines 58-64 that a hash from an item of transmitted data is compared with a newly computed hash to ensure "that neither the biometric data nor the document have been altered..." The system of Glass requires that no alteration occur to an item of data between the source of transmission and the point of reception, which precludes adding "a new piece of identification information ... every time the anatomical information passes through a different device," as in claims 4, 17 and 39. Accordingly, the discussion in Glass teaches away from Larsson, in which "each device" in "a digitalized network ... can be arranged to ... add its identity to a message;" further, combining Glass and Larsson in the manner proposed in item 7 of the outstanding Office Action would violate the principle of operation of Glass. Therefore, it is respectfully submitted a *prima facie* case of obviousness has not been made, and it is respectfully requested this rejection be withdrawn.

Finality of Outstanding Office Action

In addition, it is respectfully requested the finality of the outstanding Office Action be withdrawn because the claim amendments submitted in the response filed October 6, 2003 affect only formal matters and did not necessitate new grounds for rejection.

In particular, independent claim 7 was amended in the response filed October 6, 2003 only to correct a minor grammatical informality, and was not amended to address the previous rejection of claim 7 under 35 U.S.C. 102(b) as anticipated by Pare, Jr. in the Office Action mailed July 7, 2003. Rather, it is respectfully that rejection was traversed based on the existing features of independent claim 7, not by way of amendment. Accordingly, the finality of the outstanding

Office Action should be withdrawn.

Conclusion

In light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: March 25, 2004

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